

Amendment No. 1 to HB2561

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 2615

House Bill No. 2561*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, is amended by adding the following new chapter:

3-15-101.

(a) There is created the select oversight committee on corrections, referred to in this chapter as "the committee", to:

- (1) Improve planning for facilities and programs;
- (2) Create a better working environment for correction management; and
- (3) Ensure implementation of proposed improvements in the correctional system.

(b)

(1) The committee shall be composed of seventeen (17) members, with three (3) members to be appointed by the governor, seven (7) members to be appointed by the speaker of the senate, and seven (7) members to be appointed by the speaker of the house of representatives. All committee members shall be members of the general assembly.

(2) The initial members' terms of office shall commence upon appointment. For purposes of calculating the initial terms of the members' offices, the initial appointments shall be deemed to be made on January 1, 2016. The initial members' terms shall be staggered as follows:

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(A) The gubernatorial appointees shall serve initial terms of two
(2) years;

(B) The senate appointees shall serve initial terms of three (3)
years; and

(C) The house of representatives appointees shall serve initial
terms of four (4) years.

(3) After the initial terms, members of the committee shall serve four-year
terms and are eligible to serve two (2) four-year terms in succession; provided,
however, appointments and reappointments shall be consistent with terms of
office for the senate and the house of representatives.

(4) The term of any member shall terminate at the time the member
ceases to hold legislative office, and the member's successor shall be named
pursuant to this subsection (b).

(5) Vacancies shall be filled in the same manner as the vacating
member's office was originally filled.

3-15-102.

(a) The committee shall elect from its membership a chair, a vice chair, and
other officers as it considers necessary.

(b) The committee may:

(1) Create subcommittees related to its duties;

(2) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the correctional system and report their findings to the committee;

(3) Conduct hearings;

(4) Enter into contracts for technical or professional services, subject to the availability of funds. The speaker of the senate and the speaker of the house of representatives shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for such services, and shall jointly select the consultant or other person on behalf of the committee; and

(5) Perform other duties as are required in accordance with this chapter.

3-15-103.

(a) The committee shall meet at least quarterly and at the call of the chair. The first meeting of the committee shall be convened by the speaker of the senate.

(b) Members of the committee are entitled to be reimbursed for their expenses for each day they attend meetings of the committee or any subcommittees in the same manner as they are paid for attending legislative meetings pursuant to § 3-1-106; provided, that no member shall receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

3-15-104. The committee shall transmit a report of its activities to each member of the general assembly and to the commissioner of correction no later than January 15 of each year.

3-15-105.

(a) It is the intent of this chapter that plans be made carefully and reviewed thoroughly to ensure that new programs achieve their intended purposes, the necessity of new facilities, and that new facilities are designed properly.

(b) The committee shall review proposed expenditures for corrections and shall make its comments on proposed expenditures in a timely fashion limited to the following:

(1) Any proposed expenditure of funds to implement new programs or expand existing programs and any proposed expenditure for expanding or otherwise changing the operation of any correctional facility or for beginning the operation of any new facility shall be filed in writing by the commissioner of correction with the committee and may be reviewed by the committee. After any review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that the comments shall be made within thirty (30) days after receipt by the committee of the proposal for expenditures. If expenditures are made before the committee has made its comments, if any, or if expenditures are made that are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making the expenditures to the committee and to each member of the general assembly; and

(2) Any proposed plans for capital expenditures for maintenance or renovations of existing correctional facilities or construction of new facilities shall be filed in writing by the commissioner of correction with the committee at the same time it is filed with the state building commission. The committee has the authority to review the plans and, after its review, may comment to the state building commission on the proposed capital expenditures. The state building commission is encouraged to consider the committee's comments, if any, in making its decisions.

3-15-106. The committee shall receive information and assistance from the department of correction, other agencies in the criminal justice system, and other agencies of state government, upon the committee's request.

3-15-107. The committee shall, at least annually, review the following programs, functions, and activities of the department of correction:

(1) Classification and reclassification, including determinations of how inmates are assigned to various security and custody levels; how inmates are assigned to various work, education, or training programs; how inmates are provided various treatment programs; how other programs are provided to inmates; or other matters related to classification and assignment of inmates;

(2) Capacity of institutions and other programs, including planning to meet future needs; consideration of alternative uses of existing facilities or programs; or other related matters;

(3) Industrial, agricultural, or other programs designed to provide activity for inmates, including conditions of eligibility; performance standards and incentive programs; planning of work programs, including estimating capital needs, demand for products, or services produced, and determining where and how programs will be offered; or other related matters;

(4) Education and training programs for inmates, including eligibility; performance standards and incentive programs; planning of programs and estimating capital needs and inmate demand; or other related matters;

(5) Release programs, including eligibility conditions and effects; regular parole; early release programs such as "emergency release," "safety valve," release under contract sentencing, work release, clemency, and pardon; or other programs;

(6) Alternative sentencing programs, including community corrections; victim restitution programs; or other programs;

(7) Local jails housing felons;

(8) Provision of services, facilities, or programs by private contractors;

(9) Staffing within the department of correction, including recruitment, selection, training, compensation, discipline, or other matters;

(10) Management, including planning, budgeting, information systems, organizational structure, rules and regulations, department policies and procedures, or other related matters; and

(11) Any other matters considered material.

3-15-108.

(a) When any bill is introduced in the general assembly that will impact or potentially impact any area within the scope of review of the committee, as set out in this chapter, the clerk shall, at the same time the bill is referred to the appropriate standing committee, notify the chair of the committee of the bill and transmit a copy of the bill to the committee. For purposes of participating in the discussions and comments of the committee, the chair of the appropriate standing committee or the chair's designee shall be notified of the date, time, and location where the committee will meet to review bills that have been assigned to the respective standing committee, and the chair or the chair's designee shall become an ex officio member of the committee when the bill is considered by the committee.

(b) In order to efficiently execute the duties set out in this chapter, the committee shall review all bills transmitted to it under subsection (a) and may attach committee comments to the bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee shall be to assist the standing committee in its consideration of corrections-related bills by providing appropriate background information on the bill or information concerning the impact of the bill on the correctional system. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted

to it under subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than two (2) weeks after receipt of the bill from the clerk.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the committee has prepared committee comments on a bill, the comments shall be attached to the notification to the chair of the standing committee. If the committee has reviewed a bill without comment, the notification to the chair shall indicate that the committee has reviewed the bill without comment. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair shall notify the appropriate standing committee chair that the bill has not been reviewed but is ready for consideration by the standing committee.

3-15-109.

(a) The committee shall be subject to termination every four (4) years from June 30, 2016, unless the committee is continued by the general assembly.

(b) The governor and respective speakers shall reappoint or appoint new members to the committee for each subsequent regular session of the general assembly for the duration of the committee.

(c) The office of the comptroller of the treasury shall conduct a performance evaluation of the committee prior to the committee's termination.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.